

**Remarks**

The Office Action mailed February 10, 2004 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-27, 37-44, and 54-58 are pending in this application. Claims 1-27, 37-44, and 54-58 stand rejected.

In accordance with 37 C.F.R. 1.136(a), a one-month extension of time is submitted herewith to extend the due date of the response to the Office Action dated February 10, 2004 for the above-identified patent application from May 10, 2004 through and including June 10, 2004. In accordance with 37 C.F.R. 1.17(a)(2), authorization to charge a deposit account in the amount of \$110.00 to cover this extension of time request also is submitted herewith.

The rejection of Claims 1, 6-27, 37-39, 54, and 56 under 35 U.S.C. § 112, second paragraph, is respectfully traversed.

Applicants respectfully submit that Claims 1, 6-27, 37-39, 54, and 56 satisfy section 112, second paragraph. More specifically, Applicants respectfully submit that Claims 1, 6-27, 37-39, 54, and 56 are definite and particularly point out and distinctly claim the subject matter of the invention.

The Office Action asserts that Claims 1, 6-21, 23, 37-39, 54 and 56 “recite a ‘workload driver’ which is considered vague and indefinite since it is not clear if this is hardware, software, or a concept per se.” Applicants respectfully traverse this assertion, and submit that the term “workload driver” is clearly defined within the claims and in the specification of the present patent application. By way of example, at least the following sections of the specification describe the term “workload driver”:

While known pricing models use an average cost allocation approach, an activity based pricing model, uses identified, workload drivers, ranked relative to importance against one another. Such a model provides users with a tool that strengthens their ability to evaluate deal economics which are driven by workload requirements, and results in improved information used to make approval decisions on transactions.... (para. 0037).

In one embodiment of the activity based pricing model, there is included within the model, identified sensitivities and triggers on the level of effort for each workload driver, the sensitivities and triggers resulting in low, medium and high deal expense levels. The model allocates portfolio and underwriting expenses based upon a combination of workload driver importance, trigger level ratings and responses from deal samples. To measure and test the models impact on return on investment (ROI), revalidation of trigger ratings ensure appropriate allocation of expenses within the workload driver. Using workload drivers transitions deal expenses from an average cost allocation to a per unit allocation at workload driver level. (para. 0038).

In one embodiment, identified workload drivers entered into the model through template 90, include, but are not limited to collateral performance, excess availability, books and records, risk classification, number of agings, frequency of borrowing, frequency of reporting, co-borrower structure, fixed charge coverage, first time asset based lending borrower and export-import bank guarantee. (para. 0039).

Moreover, by way of further example, the following sections of the specification also describe the term “workload driver”: paragraphs [0024], [0040], [0041], and [0047].

Additionally, Claim 1 recites a method for operating a computer to facilitate use of a pricing model for evaluating a financing that includes a portfolio of loans, wherein the method includes “prompting a user to enter at least one workload driver for the financing, each workload driver is an element of the financing that will undergo an underwriting process as part of the financing evaluation...” Applicants respectfully submit that the term “workload driver” is clearly defined within Claim 1 and within the specification of the present application. Accordingly, Applicants respectfully request that the rejection of Claim 1 under Section 112, second paragraph, be withdrawn.

Dependent Claim 6 depends from independent Claim 1, and this dependent Claim is submitted to satisfy the requirements of Section 112, second paragraph for the same reasons set forth above with respect to independent Claim 1.

Claim 7 recites a database that includes “data corresponding to workload drivers for a financing, each workload driver is an element of the financing that will undergo an underwriting process as part of an evaluation of the financing....” Applicants respectfully submit that the term “workload driver” is clearly defined within Claim 7 and within the specification of the present

application. Accordingly, Applicants respectfully request that the rejection of Claim 7 under Section 112, second paragraph, be withdrawn.

Dependent Claims 8-16 depend from independent Claim 7, and these dependent Claims are submitted to satisfy the requirements of Section 112, second paragraph for the same reasons set forth above with respect to independent Claim 7.

Claim 17 recites a system for evaluating economics of a financing based on workload requirements that includes “a database comprising data corresponding to workload drivers and related trigger levels for each financing, each workload driver is an element of a financing that will undergo an underwriting process as part of an evaluation of the financing....” Applicants respectfully submit that the term “workload driver” is clearly defined within Claim 17 and within the specification of the present application. Accordingly, Applicants respectfully request that the rejection of Claim 17 under Section 112, second paragraph, be withdrawn.

Dependent Claims 18-21 and 23 depend from independent Claim 17, and these dependent Claims are submitted to satisfy the requirements of Section 112, second paragraph for the same reasons set forth above with respect to independent Claim 17.

Claim 37 recites a computer-readable medium for evaluating a loan portfolio that includes “a record of workload drivers for a loan portfolio, each workload driver is an element of the loan portfolio that will undergo an underwriting process as part of the portfolio evaluation....” Applicants respectfully submit that the term “workload driver” is clearly defined within Claim 37 and within the specification of the present application. Accordingly, Applicants respectfully request that the rejection of Claim 37 under Section 112, second paragraph, be withdrawn.

Dependent Claims 38-39 depend from independent Claim 37, and these dependent Claims are submitted to satisfy the requirements of Section 112, second paragraph for the same reasons set forth above with respect to independent Claim 37.

Claim 54 recites a method for determining workloads for a portfolio of financings that includes “selecting, from an electronic interface, a number of workload drivers for the portfolio,

each workload driver is an element of a financing that will undergo an underwriting process as part of an evaluation of the financing....” Applicants respectfully submit that the term “workload driver” is clearly defined within Claim 54 and within the specification of the present application. Accordingly, Applicants respectfully request that the rejection of Claim 54 under Section 112, second paragraph, be withdrawn.

Dependent Claim 56 depends from independent Claim 54, and these dependent Claims are submitted to satisfy the requirements of Section 112, second paragraph for the same reasons set forth above with respect to independent Claim 54.

The Office Action further asserts that Claims 17-27 “recite ‘system’ which is vague and indefinite since a system may be one of several different statutory classes of invention (including a method or an apparatus).” Applicants respectfully traverse this assertion. Applicants submit that Claims 17-27 are directed to a system that includes a database and a server. This system clearly fits within one of the statutory classes of subject matter included within Section 101 of the Patent Act. Accordingly, Applicants respectfully request that the rejection of Claims 17-27 under Section 112, second paragraph, be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 1, 6-27, 37-39, 54, and 56 under 35 U.S.C. § 112, second paragraph, be withdrawn.

The rejection of Claims 1, 7, 17, 37, and 54 under 35 U.S.C. § 112, first paragraph, is respectfully traversed.

Applicants respectfully submit that the specification meets the requirements of Section 112, first paragraph. Specifically, Applicants respectfully submit that the specification, including the figures, would enable one skilled in the art to make and/or use the invention as described in the present patent application. Accordingly, Applicants respectfully request that the rejection of Claims 1, 7, 17, 37, and 54 under Section 112, first paragraph, be withdrawn.

The Office Action indicates at page 3 that the “claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, has possession of the

claimed invention.” Moreover, the Office Action indicates that Applicants amended the claims to define a workload driver as “an element of the financing that will undergo an underwriting process as part of the financing evaluation”. The Office Action further asserts that it is not clear from the specification what constitutes a “workload driver”. Applicants respectfully traverse this assertion, and submit that the term “workload driver” as recited in Claims 1, 7, 17, 37, and 54 is clearly supported by the specification of the present patent application. Applicants further submit that no new matter was added in the Amendment filed on November 21, 2003.

By way of example, at least the following sections of the specification describe the term “workload driver”:

Set forth below is a description of exemplary methods and systems for facilitating an assessment of profitability of accounts over the life of the accounts. While the methods and systems are sometimes described in the context of loans and loan portfolios, the methods and systems are not limited to practice in connection with only loans and loan portfolios. The methods and systems can be used, for example, in connection with leases, financing and many other different types of financial activity. (para. 0023).

Figure 1 is a flowchart 2 illustrating process steps for generating an activity based pricing model, used in an assessment of profitability of an account or a portfolio of accounts. Specifically, and in one exemplary embodiment of such a system, workload drivers and trigger levels for the workload drivers are identified 4. Based on the identified 4 workload drivers and trigger levels, the workload drivers are ranked 6, using assigned weights for the trigger levels for each of the workload drivers. Using the workload drivers, trigger levels and assigned weights for each trigger level for the workload drivers, portfolio and underwriting expenses are allocated 8. Such a process provides an activity based approach for determining costs associated with creation and maintenance of accounts and assists in decision making regarding credit line increases, portfolio rollovers and customer retention. Further, decision making is included regarding new product and market opportunities. (para. 0024).

While known pricing models use an average cost allocation approach, an activity based pricing model, uses identified, workload drivers, ranked relative to importance against one another. Such a model provides users with a tool that strengthens their ability to evaluate deal economics which are driven by workload requirements, and results in improved information used to make approval decisions on transactions.... (para. 0037).

In one embodiment of the activity based pricing model, there is included within the model, identified sensitivities and triggers on the level of effort for each workload driver, the sensitivities and triggers resulting in low, medium and high

deal expense levels. The model allocates portfolio and underwriting expenses based upon a combination of workload driver importance, trigger level ratings and responses from deal samples. To measure and test the models impact on return on investment (ROI), revalidation of trigger ratings ensure appropriate allocation of expenses within the workload driver. Using workload drivers transitions deal expenses from an average cost allocation to a per unit allocation at workload driver level. (para. 0038).

In one embodiment, identified workload drivers entered into the model through template 90, include, but are not limited to collateral performance, excess availability, books and records, risk classification, number of agings, frequency of borrowing, frequency of reporting, co-borrower structure, fixed charge coverage, first time asset based lending borrower and export-import bank guarantee. (para. 0039).

Moreover, by way of further example, the following sections of the specification also describe the term “workload driver”: paragraphs [0040], [0041], and [0047]. Accordingly, Applicants submit that the term “workload driver” as recited in Claims 1, 7, 17, 34, and 54 is fully supported by the present specification, and that the specification, including the figures, would enable one skilled in the art to make and/or use the invention as described in the present patent application. Accordingly, Applicants respectfully request that the rejection of Claims 1, 7, 17, 34, and 54 under Section 112, first paragraph, be withdrawn.

For the reasons set forth above, Applicants respectfully request that the rejection of Claims 1, 7, 17, 34, and 54 under Section 112, first paragraph, be withdrawn.

The rejection of Claims 1-16 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is respectfully traversed.

The Office Action suggests at page 4 that “the method claims as presented do not claim a technological basis in the body of the claim.” Thus, Claims 1-16 are rejected as being directed to non-statutory subject matter. Applicants respectfully traverse this suggestion. However, Applicants have amended Claim 1 to address the rejection set forth in the Office Action for Claims 1-6. Applicants, however, have not amended independent Claim 7 because Claims 7-16 are directed to a database and not a method.

With respect to Claims 1-6, Applicants submit that the claims of the present patent application are directed to practical applications in the technological arts. “Any sequence of operational steps can constitute a process within the meaning of the Patent Act so long as it is part of the technological arts.” *In re Musgrave*, 431 F.2d 882 (C.C.P.A. 1970). For example, independent Claim 1 is a method for operating a computer to facilitate use of a pricing model for evaluating a financing that includes a portfolio of loans. Applicants submit that evaluating a financing that includes a portfolio of loans is a useful process that is considered to be within “the technological arts”.

One specific example of such a method implementation is a computer with a processor programmed to at least one of prompt a user to enter at least one workload driver for the financing, prompt the user to enter a trigger level for each entered workload driver, prompt the user to enter a weight for each trigger level, and allocate portfolio and underwriting expenses based upon workload drivers and the corresponding trigger levels. While the claims are not limited to the specific examples related to a computer with a programmed processor, the claims need not be so restricted to satisfy the requirement of Section 101.

Applicants further traverse the assertion included in the Office Action that Claims 1-6 are directed to non-statutory subject matter under Section 101 in light of the “Examination Guidelines for Computer-Related Inventions”. The Examination Guidelines for Computer-Related Inventions provides in relevant part as follows:

In order to determine whether the claim is limited to a practical application of an abstract idea, Office personnel must analyze the claim as a whole, in light of the specification, to understand what subject matter is being manipulated and how it is being manipulated. During this procedure, Office personnel must evaluate any statements of intended use or field of use, any data gathering step and any post-manipulation activity....Only when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under § 101. Further, when such a rejection is made, Office personnel must expressly state how the language of the claims has been interpreted to support the rejection.

Applicants respectfully submit that Claim 1 is limited to a practical application in the technological arts. Furthermore, Applicants respectfully submit that the Office Action does not expressly state how the language of Claim 1 supports the Section 101 rejection.

Claim 1 has been amended. Claim 1 recites a “method for operating a computer to facilitate use of a pricing model for evaluating a financing that includes a portfolio of loans”. Thus, Applicants submit that Claim 1 is directed to a useful process that is considered to be within “the technological arts”. Furthermore, Claim 1 recites that the method includes “using the computer to allocate portfolio and underwriting expenses, based upon workload drivers and the corresponding trigger levels.” Thus, Claim 1 uses a computer system to perform certain steps of the process. Claim 1 is therefore directed to a practical application in the technological arts.

Dependent Claims 2-6 depend from independent Claim 1, and these dependent Claims are submitted to satisfy the requirements of Section 101 for the same reasons set forth above with respect to independent Claim 1.

With respect to Claims 7-16, Applicants respectfully submit that Claims 7-16 are directed to a database, and not a method. Therefore, in contrast to what is asserted by the Office Action, Applicants submit that Claims 7-16 of the present patent application are directed to practical applications in the technological arts. Accordingly, Applicants respectfully submit that Claim 7-16 satisfy the requirements of Section 101.

For at least the reasons set forth above, Applicants respectfully request that the Section 101 rejection of Claims 1-16 be withdrawn.

The rejection of Claims 37-44 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is respectfully traversed.

The Office Action suggests at page 5 that “a computer-readable medium encoded with a data structure must positively recite in the body of the claim at least one recitation defining structural and functional interrelationships between the data structure(s) and the computer software/hardware components (a useful, concrete and tangible result produced) that the computer uses the medium for.” Thus, Claims 37-44 are rejected as being directed to non-statutory subject matter. Applicants respectfully traverse this suggestion. However, Applicants have amended Claim 37 to address the rejection set forth in the Office Action.

Applicants submit that the claims of the present patent application are directed to practical applications in the technological arts. “Any sequence of operational steps can constitute a process within the meaning of the Patent Act so long as it is part of the technological arts.” *In re Musgrave*, 431 F.2d 882 (C.C.P.A. 1970). For example, independent Claim 37 is a computer program embodied on a computer-readable medium for evaluating a loan portfolio. Applicants submit that evaluating a loan portfolio is a useful process that is considered to be within “the technological arts”.

Furthermore, Applicants submit that Claim 37 recites structural and functional interrelationships between data structures and the computer software/hardware components. More specifically, Claim 37 has been amended to recite a “computer program embodied on a computer-readable medium for evaluating a loan portfolio”. Thus, Applicants submit that Claim 37 is directed to a useful process that is considered to be within “technological arts”. Furthermore, Claim 37 recites “a computer program embodied on a computer-readable medium for evaluating a loan portfolio, said program comprising a code segment that receives information relating to the loan portfolio and then...prompts a user to select workload drivers for the loan portfolio, each workload driver is an element of the loan portfolio that will undergo an underwriting process as part of the portfolio evaluation...prompts the user to select trigger levels for each workload driver, each trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding workload driver...and applies a plurality of rules for matching workload drivers and trigger levels to one or more loan portfolios.” Thus, Claim 37 is directed to a practical application in the technological arts.

Dependent Claims 38-44 depend from independent Claim 37, and these dependent Claims are submitted to satisfy the requirements of Section 101 for the same reasons set forth above with respect to independent Claim 37.

For at least the reasons set forth above, Applicants respectfully request that the Section 101 rejection of Claims 37-44 be withdrawn.

The rejection of Claims 1-5, 37, and 55-58 under 35 U.S.C. § 103(a) as being unpatentable over Field (U.S. Patent No. 6,073,104) in view of Chaudhuri et al. (U.S. Patent No. 5,913,207) ("Chaudhuri") in further view of King (U.S. Patent No. 6,148,293) is respectfully traversed.

Applicants respectfully submit that none of Field, Chaudhuri, or King, considered alone or in combination, describe or suggest the claimed invention. More specifically, at least one of the differences between the claimed invention and the cited references is that none of Field, Chaudhuri, or King, considered alone or in combination, describe or suggest prompting a user to enter at least one workload driver for a financing wherein each workload driver is an element of the financing that will undergo an underwriting process as part of the financing evaluation, prompting the user to enter a trigger level for each entered workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding workload driver, prompting the user to enter a weight for each trigger level, and using the computer to allocate portfolio and underwriting expenses based upon workload drivers and the corresponding trigger levels.

Field describes a computerized system that will allow healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits. The system generates statistical information on an historic collection experience of the provider's claims required by both the rating agencies and the sponsors of the conduits. This statistical information has two pieces: the net collectible value matrix showing the percentage of the claim actually paid by individual payers; and a collection histogram showing the timing of the payers payments from the date of initial billing. The system also generates the accounting detail necessary for controlling and auditing the provider's participation in the commercial paper conduit program. The system tracks "periodic pools" of claims so as to be able to reconcile advances, collections, interest expense, third party fees and cash settlements between conduits and providers. This statistical information has two pieces: the net collectible value matrix showing both the percentage of the claim actually paid by individual payors and the standard deviation of this percentage; and a collection histogram showing the timing of the payors' payments from the date of initial billing.

Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database. The queries are defined by a query language supported by the database system. The index selection tool attempts to reduce the number of indexes to be considered, the number of index configurations to be enumerated, and the number of invocations of a query optimizer in selecting an index configuration for the workload.

King describes an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower. The system provides for repayment of the loan together with interest at a periodically adjusted rate based on the terms of the agreement. The system includes data processing for a novel form of relationship management links, supervising and balancing the interests of contractholders, marketing agents, financial intermediaries, investment managers, investment bankers, custodians, rating agencies and an issuing entity.

Claim 1 recites a method for operating a computer to facilitate use of a pricing model for evaluating a financing that includes a portfolio of loans, wherein the method includes “prompting a user to enter at least one workload driver for the financing, each workload driver is an element of the financing that will undergo an underwriting process as part of the financing evaluation...prompting the user to enter a trigger level for each entered workload driver, the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding workload driver...prompting the user to enter a weight for each trigger level...and using the computer to allocate portfolio and underwriting expenses, based upon workload drivers and the corresponding trigger levels.”

None of Field, Chaudhuri, or King, considered alone or in combination, describe or suggest a method for evaluating a financing that includes a portfolio of loans, the method includes prompting a user to enter at least one workload driver for the financing wherein each workload driver is an element of the financing that will undergo an underwriting process as part of the financing evaluation, prompting the user to enter a trigger level for each entered workload

driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding workload driver, prompting the user to enter a weight for each trigger level, and using the computer to allocate portfolio and underwriting expenses, based upon workload drivers and the corresponding trigger levels.

More specifically, none of Field, Chaudhuri, or King, considered alone or in combination, describe or suggest prompting a user to enter a trigger level for each entered workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete an underwriting process associated with the corresponding workload driver, prompting the user to enter a weight for each trigger level, and using the computer to allocate portfolio and underwriting expenses, based upon workload drivers and the corresponding trigger levels.

Applicants respectfully traverse the suggestion included in the Office Action at page 5 that column 20, lines 4-10 of Field describes “Trigger levels are entered for the claims where each level assigned indicates an anticipated level of effort to review the claims.” Rather, Applicants submit that column 20, lines 4-10 of Field actually describes “trigger levels for adjusting advance rates” between a Special Purpose Entity (SPE) and a healthcare provider. More specifically, Field recites at column 20, lines 1-6 as follows:

If the average net collectible value of the recently collected claims is greater than or equal to the sum [of the average net collectible value of the performance statistics supporting the current advance rates and one standard deviation from the performance statistics supporting the current advance rates], then an upward revision of the advance rates is triggered. If the change in the average net collectible value does not exceed the trigger levels, then the advance rates remain at their present level.

Field describes advance rates at column 16, lines 16-18 as “the rate at which the SPE [Special Purpose Entity] is to advance money against receivables of specific payors”. In other words, the “trigger levels” described in Field do not indicate an anticipated level of effort to review claims as suggested by the Office Action. Rather, the trigger levels described in Field are defined in the contract between the SPE and the provider, and indicate that the net collectible value statistics

(average net collectible value and standard deviation) have changed by a predetermined amount such as to require a change to the advance rates (col. 19, line 33 to col. 20, line 6). Applicants therefore submit that Field does not describe nor suggest prompting a user to enter a trigger level for each entered workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete an underwriting process associated with the corresponding workload driver.

Moreover, Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database. The Office Action suggests at page 6 that Chaudhuri “discloses allocating workload drivers and trigger levels for a database (col. 2, lines 14-67).” However, Claim 1 recites “using the computer to allocate portfolio and underwriting expenses, based upon workload drivers and the corresponding trigger levels.” Accordingly, even assuming, arguendo, that Chaudhuri describes what has been asserted in the Office Action, Chaudhuri still does not describe nor suggest using a computer to allocate portfolio and underwriting expenses based upon workload drivers and corresponding trigger levels.

Additionally, Applicants submit that Chaudhuri does not describe nor suggest what has been asserted in the Office Action. In contrast to what has been asserted in the Office Action, Chaudhuri does not describe nor suggest workload drivers as recited in the present claims. Rather, Chaudhuri describes accessing a database in accordance with a workload of queries. Applicants submit that the workload of queries used in accessing a database as described in Chaudhuri in no way describes or teaches a workload driver that is an element of a financing that will undergo an underwriting process as part of a financing evaluation.

Furthermore, King describes an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower. King does not describe nor suggest a method as recited in Claim 1. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Field in view Chaudhuri in further view of King.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claim 1 be withdrawn.

Claims 2-5 depend, directly or indirectly, from independent Claim 1 which is submitted to be patentable. When the recitations of Claims 2-5 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-5 are also patentable over Field in view of Chaudhuri in further view of King.

Claim 37 recites a computer program embodied on a computer-readable medium for evaluating a loan portfolio, wherein the program includes “a code segment that receives information relating to the loan portfolio and then...prompts a user to select workload drivers for the loan portfolio, each workload driver is an element of the loan portfolio that will undergo an underwriting process as part of the portfolio evaluation...prompts the user to select trigger levels for each workload driver, each trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding workload driver...and applies a plurality of rules for matching workload drivers and trigger levels to one or more loan portfolios.”

None of Field, Chaudhuri, or King, considered alone or in combination, describe or suggest a computer program embodied on a computer-readable medium for evaluating a loan portfolio, wherein the program includes a code segment that prompts a user to select workload drivers for the loan portfolio wherein each workload driver is an element of the loan portfolio that will undergo an underwriting process as part of the portfolio evaluation, prompts the user to select trigger levels for each workload driver wherein each trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding workload driver, and applies a plurality of rules for matching workload drivers and trigger levels to one or more loan portfolios.

Rather, Field describes a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits; Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of

queries against the database; and King describes an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower.

Although the Office Action suggests that Field describes a system that includes “Trigger levels are entered for the claims where each level assigned indicates an anticipated level of effort to review the claims”, Applicants submit that Field actually describes at column 20, lines 4-10 “trigger levels for adjusting advance rates”. In other words, the “trigger levels” described in Field do not indicate an anticipated level of effort to review claims as suggested by the Office Action, but rather, the trigger levels described in Field are defined in the contract between the SPE and the provider, and indicate that the net collectible value statistics (average net collectible value and standard deviation) have changed by a predetermined amount such as to require a change to the advance rates (col. 19, line 33 to col. 20, line 6). Applicants therefore submit that Field does not describe nor suggest prompting a user to enter a trigger level for each entered workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete an underwriting process associated with the corresponding workload driver.

Moreover, Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database. Although the Office Action suggests at page 6 that Chaudhuri “discloses allocating workload drivers and trigger levels for a database (col. 2, lines 14-67)”, Chaudhuri does not describe nor suggest a code segment that applies a plurality of rules for matching workload drivers and trigger levels to one or more loan portfolios. Rather, Chaudhuri describes accessing a database in accordance with a workload of queries, and makes no mention of workload drivers. Accordingly, Applicants respectfully submit that Claim 37 is patentable over Field in view Chaudhuri in further view of King.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claim 37 be withdrawn.

Claims 55-58 depend from independent Claim 54. Claim 54 recites a method for determining workloads for a portfolio of financings that includes “selecting, from an electronic interface, a number of workload drivers for the portfolio, each workload driver is an element of a financing that will undergo an underwriting process as part of an evaluation of the financing...selecting, from the electronic interface, trigger levels for each of the workload drivers, each trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding workload driver...and requesting, from the electronic interface, a workload rating for the portfolio.”

None of Field, Chaudhuri, or King, considered alone or in combination, describe or suggest a method for determining workloads for a portfolio of financings that includes selecting from an electronic interface a number of workload drivers for the portfolio wherein each workload driver is an element of a financing that will undergo an underwriting process as part of an evaluation of the financing, selecting from the electronic interface trigger levels for each of the workload drivers wherein each trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding workload driver, and requesting from the electronic interface a workload rating for the portfolio.

Rather, Field describes a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits; Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database; and King describes an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower. Accordingly, Applicants respectfully submit that Claim 54 is patentable over Field in view of Chaudhuri in further view of King.

When the recitations of Claims 55-58 are considered in combination with the recitations of Claim 54, Applicants submit that dependent Claims 55-58 are also patentable over Field in view of Chaudhuri and further in view of King.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-5, 37, and 55-58 be withdrawn.

The rejection of Claims 7 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Field (U.S. Patent No. 6,073,104) in view of Chaudhuri et al. (U.S. Patent No. 5,913,207) (“Chaudhuri”) is respectfully traversed.

Field and Chaudhuri are both described above.

Claim 7 recites a database that includes “data corresponding to workload drivers for a financing, each workload driver is an element of the financing that will undergo an underwriting process as part of an evaluation of the financing...data corresponding to a trigger level for each workload driver, the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding workload driver...and data corresponding to input and feedback regarding the financing.”

Neither Field nor Chaudhuri, considered alone or in combination, describe or suggest a database that includes data corresponding to workload drivers for a financing wherein each workload driver is an element of the financing that will undergo an underwriting process as part of an evaluation of the financing, data corresponding to a trigger level for each workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding workload driver, and data corresponding to input and feedback regarding the financing.

Rather, Field describes a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits; and Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database.

Although the Office Action suggests at pages 6-7 that Field describes at column 20, lines 4-10 “Trigger levels are entered for the claims where each level assigned indicates an anticipated level of effort to review the claims”, Applicants respectfully submit that Field actually describes

at column 20, lines 4-10 “trigger levels for adjusting advance rates”. More specifically, Field describes trigger levels for adjusting advance rates wherein an advance rate is “the rate at which the SPE [Special Purpose Entity] is to advance money against receivables of specific payors”. In other words, the trigger levels described in Field do not indicate an anticipated level of effort to review claims as suggested by the Office Action, but rather, the “trigger levels” described in Field are triggered when the net collectible value statistics (average net collectible value and standard deviation) have changed by a predetermined amount such as to require a change to the advance rates (col. 19, line 33 to col. 20, line 6). Applicants therefore submit that Field does not describe nor suggest prompting a user to enter a trigger level for each entered workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding workload driver.

Furthermore, the Office Action suggests at page 6 that Chaudhuri “discloses allocating workload drivers and trigger levels for a database (col. 2, lines 14-67).” However, Chaudhuri does not describe nor suggest a database that includes data corresponding to workload drivers for a financing wherein each workload driver is an element of the financing that will undergo an underwriting process as part of an evaluation of the financing, data corresponding to a trigger level for each workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding workload driver, and data corresponding to input and feedback regarding the financing. Accordingly, Applicants respectfully submit that Claim 7 is patentable over Field in view of Chaudhuri.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claim 7 be withdrawn.

Claim 17 recites a system for evaluating economics of a financing based on workload requirements that includes “a database comprising data corresponding to workload drivers and related trigger levels for each financing, each workload driver is an element of a financing that will undergo an underwriting process as part of an evaluation of the financing, the trigger level

assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the related workload driver...and a server configured to prompt users to select trigger levels for each designated workload driver when entering data for the financing.”

Neither Field nor Chaudhuri, considered alone or in combination, describe or suggest a system for evaluating economics of a financing based on workload requirements that includes a database having data corresponding to workload drivers and related trigger levels for each financing wherein each workload driver is an element of a financing that will undergo an underwriting process as part of an evaluation of the financing and the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the related workload driver, and a server configured to prompt users to select trigger levels for each designated workload driver when entering data for the financing.

Rather, Field describes a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits; and Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database. Accordingly, Applicants respectfully submit that Claim 17 is patentable over Field in view of Chaudhuri.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claim 17 be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 7 and 17 be withdrawn.

The rejection of Claims 6, 8-16, 18-27, and 38-44 under 35 U.S.C. § 103(a) as being unpatentable over Field (U.S. Patent No. 6,073,104) in view of Chaudhuri et al. (U.S. Patent No. 5,913,207) (“Chaudhuri”) in further view of King (U.S. Patent No. 6,148,293) and further in view of Freeman et al. (U.S. Patent No. 6,249,775) (“Freeman”) is respectfully traversed.

Field, Chaudhuri, and King are all described above. Freeman describes a method for mortgage and closed end loan portfolio management in the form of an analytic tool designed to improve analysis of past and future performance of loan portfolios. The method includes aggregating loan units into loan vintages, wherein the loans in each vintage originate within a predetermined time interval of one another. The method further includes comparing different vintages to one another in a manner such that the ages of the loans in the different vintages are comparable to one another. An early warning component of the system predicts delinquency rates expected for a portfolio of loans during a forward looking time window. A matrix link component of the invention combines the loan vintage analysis with the early warning component of the invention and predicts the default rate of the loan portfolios at a selected future point in time. The results of the analysis are graphically depicted and/or automatically feedback to provide "yes" or "no" decisions regarding investments in various loan portfolios (see abstract).

Claim 6 depends from independent Claim 1. Claim 1 recites a method for operating a computer to facilitate use of a pricing model for evaluating a financing that includes a portfolio of loans, wherein the method includes "prompting a user to enter at least one workload driver for the financing, each workload driver is an element of the financing that will undergo an underwriting process as part of the financing evaluation...prompting the user to enter a trigger level for each entered workload driver, the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding workload driver...prompting the user to enter a weight for each trigger level...and using the computer to allocate portfolio and underwriting expenses, based upon workload drivers and the corresponding trigger levels."

None of Field, Chaudhuri, King, or Freeman, considered alone or in combination, describe or suggest a method for evaluating a financing that includes a portfolio of loans, the method includes prompting a user to enter at least one workload driver for the financing wherein each workload driver is an element of the financing that will undergo an underwriting process as part of the financing evaluation, prompting the user to enter a trigger level for each entered workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding

workload driver, prompting the user to enter a weight for each trigger level, and using the computer to allocate portfolio and underwriting expenses, based upon workload drivers and the corresponding trigger levels.

More specifically, none of Field, Chaudhuri, King, or Freeman, considered alone or in combination, describe or suggest prompting a user to enter a trigger level for each entered workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete an underwriting process associated with the corresponding workload driver, prompting the user to enter a weight for each trigger level, and using the computer to allocate portfolio and underwriting expenses, based upon workload drivers and the corresponding trigger levels.

Rather, Field describes a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits; Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database; King describes an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower; and Freeman describes a method for mortgage and closed end loan portfolio management in the form of an analytic tool designed to improve analysis of past and future performance of loan portfolios.

Although the Office Action mentions at page 9 that Freeman discloses "financial data including loan data", Freeman does not describe nor suggest prompting a user to enter a trigger level for each entered workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding workload driver, prompting the user to enter a weight for each trigger level, and using the computer to allocate portfolio and underwriting expenses, based upon workload drivers and the corresponding trigger levels. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Field in view Chaudhuri in further view of King and further in view of Freeman.

When the recitations of Claim 6 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 6 is also patentable over Field in view of Chaudhuri in further view of King and further in view of Freeman.

Claims 8-16 depend from independent Claim 7. Claim 7 recites a database that includes “data corresponding to workload drivers for a financing, each workload driver is an element of the financing that will undergo an underwriting process as part of an evaluation of the financing...data corresponding to a trigger level for each workload driver, the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding workload driver...and data corresponding to input and feedback regarding the financing.”

None of Field, Chaudhuri, King, or Freeman, considered alone or in combination, describe or suggest a database that includes data corresponding to workload drivers for a financing wherein each workload driver is an element of the financing that is to be reviewed as part of an evaluation of the financing, data corresponding to a trigger level for each workload driver wherein the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding workload driver, and data corresponding to input and feedback regarding the financing.

Rather, Field describes a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits; Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database; King describes an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower; and Freeman describes a method for mortgage and closed end loan portfolio management in the form of an analytic tool designed to improve analysis of past and future performance of loan portfolios. Accordingly, Applicants respectfully submit that Claim 7 is patentable over Field in view of Chaudhuri in further view of King and further in view of Freeman.

When the recitations of Claims 8-16 are considered in combination with the recitations of Claim 7, Applicants submit that dependent Claims 8-16 are also patentable over Field in view of Chaudhuri in further view of King and further in view of Freeman.

Claims 18-27 depend from independent Claim 17. Claim 17 recites a system for evaluating economics of a financing based on workload requirements that includes “a database comprising data corresponding to workload drivers and related trigger levels for each financing, each workload driver is an element of a financing that will undergo an underwriting process as part of an evaluation of the financing, the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the related workload driver...and a server configured to prompt users to select trigger levels for each designated workload driver when entering data for the financing.”

None of Field, Chaudhuri, King, or Freeman, considered alone or in combination, describe or suggest a system for evaluating economics of a financing based on workload requirements that includes a database having data corresponding to workload drivers and related trigger levels for each financing wherein each workload driver is an element of a financing that will undergo an underwriting process as part of an evaluation of the financing and the trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the related workload driver, and a server configured to prompt users to select trigger levels for each designated workload driver when entering data for the financing.

Rather, Field describes a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits; Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database; King describes an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower; and Freeman describes a method for mortgage and closed end loan portfolio management in the form of an analytic tool designed to improve analysis of past and future

performance of loan portfolios. Accordingly, Applicants respectfully submit that Claim 17 is patentable over Field in view of Chaudhuri in further view of King and further in view of Freeman.

When the recitations of Claims 18-27 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claims 18-27 are also patentable over Field in view of Chaudhuri in further view of King and further in view of Freeman.

Claims 38-44 depend from independent Claim 37. Claim 37 recites a computer program embodied on a computer-readable medium for evaluating a loan portfolio, wherein the program includes a code segment that “receives information relating to the loan portfolio and then...prompts a user to select workload drivers for the loan portfolio, each workload driver is an element of the loan portfolio that will undergo an underwriting process as part of the portfolio evaluation...prompts the user to select trigger levels for each workload driver, each trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding workload driver...and applies a plurality of rules for matching workload drivers and trigger levels to one or more loan portfolios.”

None of Field, Chaudhuri, King, or Freeman, considered alone or in combination, describe or suggest a computer program embodied on a computer-readable medium for evaluating a loan portfolio, wherein the program includes a code segment that prompts a user to select workload drivers for the loan portfolio wherein each workload driver is an element of the loan portfolio that will undergo an underwriting process as part of the portfolio evaluation, prompts the user to select trigger levels for each workload driver wherein each trigger level assigned to a workload driver indicates the anticipated level of effort required to complete the underwriting process associated with the corresponding workload driver, and applies a plurality of rules for matching workload drivers and trigger levels to one or more loan portfolios.

Rather, Field describes a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits; Chaudhuri describes a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of

queries against the database; King describes an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower; and Freeman describes a method for mortgage and closed end loan portfolio management in the form of an analytic tool designed to improve analysis of past and future performance of loan portfolios. Accordingly, Applicants respectfully submit that Claim 37 is patentable over Field in view of Chaudhuri in further view of King and further in view of Freeman.

When the recitations of Claims 38-44 are considered in combination with the recitations of Claim 37, Applicants submit that dependent Claims 38-44 are also patentable over Field in view of Chaudhuri in further view of King and further in view of Freeman.

Notwithstanding the above, the rejection of Claims 1-5, 37, and 55-58 under 35 U.S.C. § 103(a) as being unpatentable over Field in view of Chaudhuri in further view of King; the rejection of Claims 7 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Field in view of Chaudhuri; and the rejection of Claims 6, 8-16, 18-27, and 38-44 under 35 U.S.C. § 103(a) as being unpatentable over Field in view of Chaudhuri in further view of King and further in view of Freeman is further traversed on the grounds that the Section 103 rejection of the presently pending claims is not a proper rejection.

Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Field using the teachings of Chaudhuri, King, and Freeman. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Field, Chaudhuri, King, or Freeman describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Field with Chaudhuri, King, or Freeman because there is no motivation to combine the references suggested in the art. Rather, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching. Only the conclusory statement that “[i]t would have been obvious to one with ordinary

skill in the art to include allocating expenses based upon workload drivers and their trigger levels to Field because Chaudhuri teaches workload database considerations used to optimize database performance" suggests combining the disclosures.

More specifically, none of Field, Chaudhuri, King, or Freeman describe or suggest the claimed invention. Rather, Field teaches a computerized system that allows healthcare providers to access the commercial paper market by "selling" their patient claims to asset backed commercial paper conduits. Chaudhuri teaches a method and a tool for selecting an index configuration from a set of indexes for use by a database server in accessing a database to execute a workload of queries against the database. King teaches an operatively interconnected data processing and computing system for creating, servicing and paying loan agreements between a lender and borrower. Freeman describes a method for mortgage and closed end loan portfolio management in the form of an analytic tool designed to improve analysis of past and future performance of loan portfolios. Combining Field with the teachings of Chaudhuri, King, or Freeman would not describe or suggest the present invention. Accordingly, Applicants respectfully submit that there is no suggestion or motivation to combine Field with Chaudhuri, King, or Freeman.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levingood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

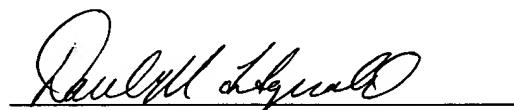
Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is

impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants respectfully request that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-5, 37, and 55-58; the rejection of Claims 7 and 17; and the rejection of Claims 6, 8-16, 18-27, and 38-44 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Daniel M. Fitzgerald  
Daniel M. Fitzgerald  
Registration No. 38,880  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070